

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

HAROLD WALKER, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:18-cv-1618-LCB-SGC
	)	
OFFICER ALEXANDER,	)	
	)	
Defendants.	)	

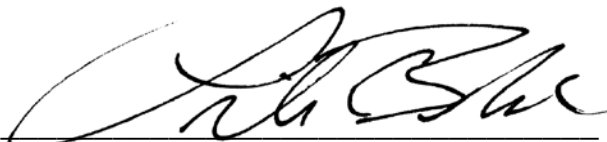
**MEMORANDUM OPINION AND ORDER**

The magistrate judge filed a report on February 14, 2020, recommending the defendant's special report be treated as a motion for summary judgment and further recommending that the motion be denied as to the individual-capacity claim. (Doc. 21). However, the magistrate judge found that summary judgment was proper insofar as the complaint asserted claims against the defendant in his official capacity. The magistrate judge also noted that the plaintiff sought, as a form of relief, criminal charges against the defendant. The magistrate judge noted that the decision to prosecute rested with the executive branch, not the judiciary. As such, the magistrate judge found that the plaintiff's request seeking injunctive relief in the form of criminal charges be denied for lack of jurisdiction.

The parties were given 14 days to file objections to the report and recommendation. However, as of the date of this order, no objections have been

filed. Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED**, and the recommendation is **ACCEPTED**. Accordingly, the Court **ORDERS** that the motion for summary judgment (Doc. 18) is **DENIED** as to the plaintiff's individual-capacity claim. The Court **FURTHER ORDERS** that the motion for summary judgment is **GRANTED** as to the plaintiff's official capacity claim and to the plaintiff's claim seeking criminal charges against the defendant. This matter is **REFERRED** to the magistrate judge for further proceedings as to the remaining claim.

**DONE** and **ORDERED** March 9, 2020.



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**LILES C. BURKE**  
UNITED STATES DISTRICT JUDGE